



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

CS

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,635	12/04/2001	Thomas Walsh	LAM2P232A	3746

7590                    08/08/2003

Albert S. Penilla  
MARTINE & PENILLA, LLP  
Suite 170  
710 Lakeway Drive  
Sunnyvale, CA 94085

[REDACTED] EXAMINER

NGUYEN, DUNG V

[REDACTED] ART UNIT      [REDACTED] PAPER NUMBER

3723

DATE MAILED: 08/08/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

CJS

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/008,635	WALSH, THOMAS	
	Examiner Dung V Nguyen	Art Unit 3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 14 July 2003.

2a) This action is **FINAL**.                  2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-27 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 23-27 is/are allowed.

6) Claim(s) 1-6,9-14 and 17-21 is/are rejected.

7) Claim(s) 7,8,15,16,22 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### **Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### **Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 2 is objected to because of the following informalities: typo error, line 2, "as recites in claim 2" should be " as recites in claim 1). Claim 2 should not depend on claim 2. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-6, 9-14, 17, 19 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Tolles et al (USPN 5,738,574). Tolles et al disclose an apparatus 10 for chemical mechanical polishing a surface of a workpiece 40 comprising a housing configured to encase a processing area including a wafer loading and unloading station 30, a plurality of polishing areas 20, a handler configured to include a pair of leaf structures 90 rotatably coupled to a turret 902, the leaf structure 90 including a pair of carrier devices 110 designed to hold a pair of workpieces 40 to be polished on at least one of the polishing area 20, wherein the pair of workpieces 40 are capable of being polished substantially at the same time on the at least one of the polishing areas 20, wherein the leaf structure 90 is configured to rotate about the turret 902 so as to move

the pair of workpieces 40 between the loading and unloading area 30 and the polishing area 20, wherein each polishing area 20 includes a polishing pad 54 overlying a rotating platen assembly 52, wherein each carrier device 110 is configured to include an actuator 100 designed to adjust the carrier device in a z-direction, wherein the leaf structure 90 rotates horizontally about the turret 902 along a fixed plane, wherein the leaf structure 90 includes a pair of fingers designed to support the respective carrier device 110 (note Fig. 1 and 2, col. 12, line 41 to col. 14, line 47).

***Allowable Subject Matter***

4. Claims 23-27 are allowed.
5. Claims 7, 8, 15, 16 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

6. Applicant's arguments filed 14 July 2003 have been fully considered but they are not persuasive. In response to applicant's argument that Tolles fails to identically disclose each and every feature of the claimed invention for instance a leaf structure that is rotatably coupled to a turret, or a leaf structure that includes a pair of carrier devices. During patent examination, the pending claims must be given their broadest reasonable interpretation consistent with the specification. Giving pending claim 1 broadest interpretation, Tolles clearly discloses each and every element of the claimed invention of claim 1 as described above. It is only required that the elements must be arranged as required by the claim but the identity of terminology is not required.

Furthermore, in response to applicant's argument that the pair of workpieces of the claimed invention are configured to be applied substantially at the same time on the at least one of the polishing areas of the plurality of polishing area. That is, the pair of workpieces is applied substantially simultaneously on the same polishing area. The term "at least one of the polishing areas" does not mean the same polishing area but it can be interpreted as a minimum of one or more polishing areas. In response to applicant's argument that Tolles does not disclose a leaf structure but a cross-like carousel. Giving pending claim 9 broadest interpretation, Tolles discloses every element of claim 9 as described above, the identity of terminology is not required. In response to applicant's argument that Tolles fails to specifically teach a single polishing pad and applying of the pair of wafers onto the single polishing pad. Tolles discloses a leaf structure configured to apply each of the wafers onto a single polishing pad one after another. Claim 17 does not specifically recites that applying the pair of wafers onto the single polishing pad at the same time.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
8. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 3723

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung V Nguyen whose telephone number is 703-305-0036. The examiner can normally be reached on M-F, 6:30-3:00.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J Hail can be reached on 703-308-2687. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

11. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

DVN  
August 7, 2003

  
Dung Van Nguyen  
Primary Examiner